

**Supplemental Information Disclosure Statement**

Applicants are filing this Supplemental Information Disclosure Statement to supplement the Information Disclosure Statement filed on June 17, 2005 and the Supplemental Information Disclosure Statements filed on September 12, 2008 and September 23, 2008 in connection with the above-identified application.

In accordance with their duty of disclosure under 37 C.F.R. 1.56, applicants direct the Examiner's attention to the following references which are listed on the attached Form PTO-1449. A copy of each reference listed below, i.e. references 1- 9, is attached hereto as **Exhibits 1- 9**.

1. International Search Report issued on August 19, 2004 in connection with PCT International Application No. PCT/US03/40561, filed December 19, 2003, International Publication No. WO 2004/058163, published July 15, 2004, on behalf of Merck Frosst Canada & Co. and University of Medicine And Dentistry Of New Jersey (**Exhibit 1**);
2. International Preliminary Examination Report issued on April 5, 2006 in connection with PCT International Application No. PCT/US03/40561, filed December 19, 2003, International Publication No. WO 2004/058163, published July 15, 2004, on behalf of Merck Frosst Canada & Co. and University of Medicine And Dentistry Of New Jersey (**Exhibit 2**);
3. Supplementary European Search Report issued on September 3, 2008 in connection with European Patent Application No. 03814205.5, filed December 19, 2003, on behalf of Merck Frosst Canada & Co. et al. (**Exhibit 3**);
4. Communication Pursuant to Article 94(3) EPC issued on November 13, 2008 in connection with European Patent Application No. 03814205.5, filed December 19, 2003, on behalf of Merck Frosst Canada & Co. et al. (**Exhibit 4**);
5. Response to November 13, 2008 Communication Pursuant to Article 94(3) EPC submitted on March 20, 2009 in connection with European Patent Application No. 03814205.5, filed December 19, 2003, on behalf of Merck Frosst Canada & Co. et al. (**Exhibit 5**);

6. Examiner's First Report issued April 11, 2008 in connection with Australian Patent Application No. 2003301109, filed on December 19, 2003, on behalf of Merck Frosst Canada & Co. et al. (**Exhibit 6**);
7. Response to April 11, 2008 Examiner's First Report submitted on September 30, 2008 in connection with Australian Patent Application No. 2003301109, filed on December 19, 2003, on behalf of Merck Frosst Canada & Co. et al. (**Exhibit 7**);
8. Examiner's Report No. 2 issued December 10, 2008 in connection with Australian Patent Application No. 2003301109, filed on December 19, 2003, on behalf of Merck Frosst Canada & Co. et al. (**Exhibit 8**); and
9. Response to December 10, 2008 Examiner's Report No. 2 submitted May 7, 2009 in connection with Australian Patent Application No. 2003301109, filed on December 19, 2003, on behalf of Merck Frosst Canada & Co. et al. (**Exhibit 9**).

The subject application is a §371 national stage application of PCT International Application No. PCT/US03/40561, filed December 19, 2003. An International Search Report was issued on August 19, 2004 in connection with PCT International Application No. PCT/US03/40561. A copy of the International Search Report is attached hereto as **Exhibit 1**. Applicants note that the references cited therein were previously provided to the US Patent Office and considered by the Examiner. An International Preliminary Examination Report was issued on April 5, 2006 in connection with PCT International Application No. PCT/US03/40561. A copy of the International Preliminary Examination Report is attached hereto as **Exhibit 2**.

European Application No. 03814205.5 is a related foreign application that also claims priority of PCT International Application No. PCT/US03/40561, filed December 19, 2003. A Supplementary European Search Report was issued on September 3, 2008 in connection with European Application No. 03814205.5, a copy of which is attached hereto as **Exhibit 3**. Applicants note that the references cited therein were previously provided to the US Patent Office and considered by the Examiner. A Communication Pursuant To Article 94(3) EPC was issued on November 13, 2008 in connection with European Application No. 03814205.5, a copy of which is attached hereto as **Exhibit 4**. A Response to Communication Pursuant To Article 94(3) EPC was filed on March 20, 2009 in connection with European Application No. 03814205.5, a copy of which is attached hereto as **Exhibit 5**.

Australian Patent Application No. 2003301109 is a related foreign patent that also claims priority of PCT International Application No. PCT/US03/40561, filed December 19, 2003. An Examiner's First Report was issued on April 11, 2008 in connection with Australian Patent Application No. 2003301109, a copy of which is attached hereto as **Exhibit 6**. A Response to the April 11, 2008 Examiner's First Report was filed on September 30, 2008 in connection with Australian Patent Application No. 2003301109, a copy of which is attached hereto as **Exhibit 7**. An Examiner's Report No. 2 was issued on December 10, 2008 in connection with Australian Patent Application No. 2003301109, a copy of which is attached hereto as **Exhibit 8**. A Response to the December 10, 2008 Examiner's Report No. 2 was filed on May 7, 2009 in connection with Australian Patent Application No. 2003301109, a copy of which is attached hereto as **Exhibit 9**.

Applicants respectfully request that the Examiner consider the above-mentioned documents and make them of record in the subject application. Applicants also respectfully request that the Examiner initial the attached Form PTO-1449 after reviewing the pertinence of each document.

### **Summary**

For the reasons set forth hereinabove, applicants respectfully request that the Examiner (i) enter this Amendment, Supplemental IDS and RCE, (ii) reconsider and withdraw the various grounds of rejection set forth in the March 12, 2009 Final Office Action, (iii) consider the references submitted in the attached Supplemental IDS, and (iv) allow the pending claims.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone her at the number provided below.

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No fee, other than the \$810.00 RCE filing fee, is deemed necessary in connection with the filing of this RCE including an Amendment and Supplemental IDS. However, if any additional fee is required, authorization is hereby given to charge the large entity amount of such fee to Deposit Account No. 13-2755 referencing attorney docket number 21309YP.

Respectfully submitted,

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